

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

ALEXANDER E. JONES,

Debtor.

)
) Chapter 11
)
) Case No. 22-33553 (CML)
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)

**NOTICE OF FILING OF PROPOSED SECOND AMENDED
AGREED SCHEDULING ORDER FOR CONFIRMATION HEARING**

PLEASE TAKE NOTICE that, on November 30, 2023, Debtor Alexander E. Jones, the Official Committee of Unsecured Creditors appointed in the above-captioned case, the Connecticut Plaintiffs,¹ and the Texas Plaintiffs² (collectively, the “Parties”) filed the *Proposed Agreed Scheduling Order for Confirmation Hearing* [ECF No. 511] with the United States Bankruptcy Court for the Southern District of Texas (the “Court”), which the Court entered on December 1, 2023 [ECF No. 512].

PLEASE TAKE FURTHER NOTICE that, on January 29, 2024, the Parties filed the *Proposed Amended Agreed Scheduling Order for Confirmation Hearing* [ECF No. 586] (the “Proposed Amended Scheduling Order”) with the Court, which the Court entered on January 31, 2024 [ECF No. 595].

PLEASE TAKE FURTHER NOTICE that, attached hereto as **Exhibit A** is the *Proposed Second Amended Agreed Scheduling Order for Confirmation Hearing* (the “Proposed Second Amended Scheduling Order”),³ pursuant to which the Parties have agreed to extend dates and deadlines in connection with a confirmation hearing in this Chapter 11 Case. Subject to the Court’s availability, the Parties respectfully request that the Court enter the Proposed Second Amended Scheduling Order.

PLEASE TAKE FURTHER NOTICE that, for the convenience of the Court and all parties in interest, a blackline comparison of the Proposed Second Amended Scheduling Order against the Proposed Amended Scheduling Order is attached hereto as **Exhibit B**.

¹ The “Connecticut Plaintiffs” are (i) David Wheeler; (ii) Francine Wheeler; (iii) Mark Barden; (iv) Jacqueline Barden; (v) Nicole Hockley; (vi) Ian Hockley; (vii) Jennifer Hensel; (viii) Donna Soto; (ix) Carlee Soto-Parisi; (x) Carlos M. Soto; (xi) Jillian Soto Marino; (xii) William Aldenberg; (xiii) William Sherlach; (xiv) Robert Parker; and (xv) Erica Lafferty.

² The “Texas Plaintiffs” are: (i) Neil Heslin; (ii) Scarlett Lewis; (iii) Leonard Pozner; (iv) Veronique De La Rosa; and (v) the Estate of Marcel Fontaine.

³ Capitalized terms used and not otherwise defined herein shall have the meanings ascribed to such terms in the Proposed Second Amended Scheduling Order.

Dated: March 1, 2024

/s/ Marty L. Brimmage, Jr.

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Co-Counsel to the Texas Plaintiffs

CERTIFICATE OF SERVICE

I certify that on March 1, 2024, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Marty L. Brimmage, Jr.
Marty L. Brimmage, Jr.

Exhibit A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

ALEXANDER E. JONES,

Debtor.

)

) Chapter 11

)

) Case No. 22-33553 (CML)

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**PROPOSED SECOND AMENDED AGREED SCHEDULING ORDER
FOR CONFIRMATION HEARING**

WHEREAS, Debtor Alexander E. Jones (“Jones”), the Official Committee of Unsecured Creditors (the “Committee”) appointed in the above-captioned chapter 11 case (the “Jones Case”), the Texas Plaintiffs,¹ and the Connecticut Plaintiffs² (collectively, the “Parties”) have met and conferred regarding the scheduling of dates relevant to a confirmation hearing to commence on [Tuesday, May 21], 2024 (the “Confirmation Hearing”) and have agreed to further amend the *Amended Agreed Scheduling Order for Confirmation Hearing* [ECF No. 595] to allow for continued discussions among the Parties;

WHEREAS, the Court has considered the proposed schedule in connection with the Confirmation Hearing;

IT IS HEREBY ORDERED THAT:

1. The following dates and deadlines shall govern confirmation of any plans filed in the Jones Case, including discovery and the conduct of the Confirmation Hearing:

¹ The Texas Plaintiffs comprise Neil Heslin, Scarlett Lewis, Leonard Pozner, Veronique De La Rosa, and Marcel Fontaine.

² The Connecticut Plaintiffs comprise David Wheeler, Francine Wheeler, Jacqueline Barden, Mark Barden, Nicole Hockley, Ian Hockley, Jennifer Hensel, Donna Sota, Carlee Soto Parisi, Carlos M. Soto, Jillian Soto-Marino, William Aldenberg, William Sherlach, and Robert Parker.

Event	Date
Plan Filing Date. The date by which any Party or other party in interest must file a plan (each, a “Plan”).	Friday, December 15, 2023
Jones Disclosure Statement Filing Date. The date by which Jones must file his disclosure statement in support of any Plan he has proposed.	Friday, December 22, 2023
Committee Disclosure Statement Filing Date. The date by which the Committee, the Texas Plaintiffs and the Connecticut Plaintiffs and any other party in interest proposing a Plan must file its disclosure statement in support thereof.	Friday, January 5, 2024
Written Discovery Deadline. The deadline by which the Parties and any other parties in interest shall serve discovery relating to any Plans, potential objections thereto, and any other matters to be heard at the Confirmation Hearing (the “Requests”). The Parties and other parties in interest may—and are encouraged to—serve Requests sooner. The Parties and any other parties in interest shall serve responses and objections to any Requests within two weeks of service of the Requests. For the avoidance of doubt, the Parties and any other parties in interest shall meet and confer in good faith regarding timing and any requested extension of response deadline. The Parties also reserve the right to serve Requests at a later date based on developments since January 9.	Tuesday, January 9, 2024
Objections to Provisional Approval of Disclosure Statements. The date by which Parties and any other parties in interest shall file any objections to the provisional approval of any disclosure statements filed.	Tuesday, January 16, 2024
Disclosure Statement Hearing Date. The date on which the Parties and any other parties in interest shall, subject to the Court’s availability, participate in a hearing regarding any disclosure statements filed to seek provisional approval thereof.	Wednesday, January 24, 2024
Solicitation Mailing/Publication Deadline.	Monday, January 29, 2024

Privilege Log Deadline. The date by which the Parties and any other recipients of the Requests shall have provided logs of documents responsive to the Requests that were withheld or redacted on the basis of any claim or privilege.	Tuesday, January 30, 2024
Substantial Completion of Document Production. The date by which the Parties and any other recipients of the Requests shall substantially complete the production of documents in response to the Requests. <i>Parties and any other recipients of the Requests must commence production of documents in response to Requests as soon as reasonably possible and shall roll out document production in tranches, as available. Parties and any other recipients of the Requests shall not wait until the substantial completion deadline to commence production.</i>	Friday, February 2, 2024
Preliminary Witness Lists. The date by which the Parties and any other parties in interest shall exchange lists of witnesses each such party in good faith expects to call at the Confirmation Hearing.	Monday, March 25, 2024
Fact Witness Depositions. The dates during which the Parties and any other parties in interest shall conduct fact witness depositions.	Wednesday, March 27, 2024 – Wednesday, April 3, 2024
Expert Reports. The date by which the Parties and any other parties in interest shall simultaneously exchange expert reports. Bankruptcy Rule 7026 shall apply in its entirety to any expert reports exchanged.	Monday, April 8, 2024
Production of Materials Relied Upon in Expert Reports. The date by which the Parties and any other parties in interest shall produce copies of any documents or data that were (a) relied on by such party's expert in forming the opinions contained in such report and (b) have not already been produced in these cases.	Monday, April 8, 2024
Plan Objection Deadline. The date by which objections to any Plan must be filed.	Wednesday, April 10, 2024
Rebuttal Expert Report. The date by which the Parties and any other parties in interest may exchange rebuttal expert reports, if any.	Tuesday, April 16, 2024

Production of Materials Relied Upon in Rebuttal Expert Reports. The date by which the Parties and any other parties in interest shall produce copies of any documents or data that were (a) relied on by such party's expert in forming the opinions contained in rebuttal reports and (b) have not already been produced in these cases.	Tuesday, April 16, 2024
Expert Depositions. The dates during which the Parties and any other parties in interest shall conduct expert witness depositions.	[Wednesday, April 17 – Tuesday, April 23, 2024]
Exchange of Exhibits. The deadline by which the Parties and any other parties in interest shall exchange exhibits with each other.	Wednesday, April 24, 2024
Exchange of Final Witness and Exhibit Lists. The date by which the Parties and any other parties in interest shall serve a final list of witnesses and exhibits they intend to offer at the Confirmation Hearing (subject to supplementation from ongoing expert depositions). Witness lists shall identify all witnesses that each party will call and may call at the Confirmation Hearing and shall provide a brief summary of the anticipated testimony of each witness.	Friday, May 10, 2024
Objections to Final Witness and Exhibit Lists. The date by which the Parties and any other parties in interest must serve any objections to the final witness and exhibit lists.	Tuesday, May 14, 2024
Replies to Objections / Briefs in Support of Confirmation. The date by which the Parties and any other parties in interest must file their replies to all timely objections to their respective Plans and submit any briefs in support of confirmation of any Plan.	Thursday, May 16, 2024
Meet and Confer. The date on which the Parties and any other parties in interest shall meet and confer concerning any objections to witnesses or exhibits.	Friday, May 17, 2024
Final Pretrial Conference. The date on which the Parties and any other parties in interest shall, subject to the Court's availability, participate in a final pretrial conference.	[To be set week prior to Confirmation Hearing]

Filing of Final Witness and Exhibit Lists with the Clerk of the Court. The deadline by which the Parties and any other parties in interest shall file final exhibit and witness lists with the Clerk of the Court.	[To be set two days before of commencement of Confirmation Hearing]
Confirmation Hearing Dates. The timeframe in which the Parties and any other parties in interest shall complete trial. For the avoidance of doubt, final approval of any disclosure statements filed will be sought during the Confirmation Hearing.	[Tuesday, May 21, 2024 – Wednesday, May 22, 2024]

2. **Service.** The Parties and any other parties in interest agree to serve by email on all other Parties and any other parties in interest all discovery requests and written responses. Parties producing electronically stored information shall simultaneously transmit or make available such productions to all Parties that are bound by the *Stipulated Confidentiality Agreement and Protective Order*, dated February 14, 2023 [FSS ECF No. 461; Jones ECF No. 159].

3. **Discovery Disputes.** The Parties and any other parties in interest shall promptly seek Court intervention regarding any disputes that cannot be resolved consensually, which disputes shall be heard by the Court on an expedited basis.

4. **Confirmation Hearing.** The Parties and any other parties in interest will meet and confer on the details of the Confirmation Hearing, including the sequencing and length of witness testimony and the presentation of other evidence.

5. **Amendments or Modifications.** The Court may amend or modify the terms of this Order for good cause shown.

6. **Retention of Jurisdiction.** This Court shall retain jurisdiction over any and all matters arising from or related to the interpretation of this Order.

Dated: [DATE]
Houston, Texas

HONORABLE CHRISTOPHER M. LOPEZ
UNITED STATES BANKRUPTCY JUDGE

Exhibit B

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

ALEXANDER E. JONES,

Debtor.

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) Chapter 11
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) Case No. 22-33553 (CML)
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**PROPOSED SECOND AMENDED AGREED SCHEDULING ORDER
FOR CONFIRMATION HEARING**

WHEREAS, Debtor Alexander E. Jones (“Jones”), the Official Committee of Unsecured Creditors (the “Committee”) appointed in the above-captioned chapter 11 case (the “Jones Case”), the Texas Plaintiffs,¹ and the Connecticut Plaintiffs² (collectively, the “Parties”) have met and conferred regarding the scheduling of dates relevant to a confirmation hearing to commence on ~~March 25~~ [Tuesday, May 21], 2024 (the “Confirmation Hearing”) and have agreed to ~~the following proposed scheduling order; and~~ further amend the *Amended Agreed Scheduling Order for Confirmation Hearing* [ECF No. 595] to allow for continued discussions among the Parties;

WHEREAS, the Court has considered the proposed schedule in connection with the Confirmation Hearing;

IT IS HEREBY ORDERED THAT:

¹ The Texas Plaintiffs comprise Neil Heslin, Scarlett Lewis, Leonard Pozner, Veronique De La Rosa, and Marcel Fontaine.

² The Connecticut Plaintiffs comprise David Wheeler, Francine Wheeler, Jacqueline Barden, Mark Barden, Nicole Hockley, Ian Hockley, Jennifer Hensel, Donna Sota, Carlee Soto Parisi, Carlos M. Soto, Jillian Soto-Marino, William Aldenberg, William Sherlach, and Robert Parker.

1. The following dates and deadlines shall govern confirmation of any plans filed in the Jones Case, including discovery and the conduct of the Confirmation Hearing:

Event	Date
Plan Filing Date. The date by which any Party or other party in interest must file a plan (each, a “Plan”).	Friday, December 15, 2023
Jones Disclosure Statement Filing Date. The date by which Jones must file his disclosure statement in support of any Plan he has proposed.	Friday, December 22, 2023
Committee Disclosure Statement Filing Date. The date by which the Committee, the Texas Plaintiffs and the Connecticut Plaintiffs and any other party in interest proposing a Plan must file its disclosure statement in support thereof.	Friday, January 5, 2024
Written Discovery Deadline. The deadline by which the Parties and any other parties in interest shall serve discovery relating to any Plans, potential objections thereto, and any other matters to be heard at the Confirmation Hearing (the “Requests”). The Parties and other parties in interest may—and are encouraged to—serve Requests sooner. The Parties and any other parties in interest shall serve responses and objections to any Requests within two weeks of service of the Requests. For the avoidance of doubt, the Parties and any other parties in interest shall meet and confer in good faith regarding timing and any requested extension of response deadline. <u>The Parties also reserve the right to serve Requests at a later date based on developments since January 9.</u>	Tuesday, January 9, 2024
Objections to Provisional Approval of Disclosure Statements. The date by which Parties and any other parties in interest shall file any objections to the provisional approval of any disclosure statements filed.	Tuesday, January 16, 2024
Disclosure Statement Hearing Date. The	Wednesday, January 24, 2024

date on which the Parties and any other parties in interest shall, subject to the Court's availability, participate in a hearing regarding any disclosure statements filed to seek provisional approval thereof.	
<u>Solicitation Mailing/Publication Deadline.</u>	<u>Monday, January 29, 2024</u>
<u>Privilege Log Deadline.</u> The date by which the Parties and any other recipients of the Requests shall have provided logs of documents responsive to the Requests that were withheld or redacted on the basis of any claim or privilege.	<u>Tuesday, January 30, 2024</u>
Substantial Completion of Document Production. The date by which the Parties and any other recipients of the Requests shall substantially complete the production of documents in response to the Requests. <i>Parties and any other recipients of the Requests must commence production of documents in response to Requests as soon as reasonably possible and shall roll out document production in tranches, as available. Parties and any other recipients of the Requests shall not wait until the substantial completion deadline to commence production.</i>	Friday, February 2, 2024
Solicitation Mailing/Publication Deadline.	Monday, January 29, 2024
Privilege Log Deadline. The date by which the Parties and any other recipients of the Requests shall have provided logs of documents responsive to the Requests that were withheld or redacted on the basis of any claim or privilege.	Tuesday, January 30, 2024
Preliminary Witness Lists. The date by which the Parties and any other parties in interest shall exchange lists of witnesses each such party in good faith expects to call at the Confirmation Hearing.	Friday, February 23, 2024, <u>Monday, March 25, 2024</u>
Fact Witness Depositions. The dates during which the Parties and any other parties in interest shall conduct fact witness depositions.	Tuesday, February 27 — Thursday, February 29, 2024, <u>Wednesday, March 27, 2024 — Wednesday, April 3, 2024</u>
<u>Expert Reports.</u> The date by which the Parties and any other parties in interest shall simultaneously exchange expert reports. Bankruptcy Rule 7026 shall apply in its	<u>Monday, April 8, 2024</u>

<u>entirely to any expert reports exchanged.</u>	
Production of Materials Relied Upon in Expert Reports. The date by which the Parties and any other parties in interest shall produce copies of any documents or data that were (a) relied on by such party's expert in forming the opinions contained in such report and (b) have not already been produced in these cases.	Wednesday, March 6, <u>Monday, April 8,</u> 2024
<u>Plan Objection Deadline. The date by which objections to any Plan must be filed.</u>	<u>Wednesday, April 10, 2024</u>
<u>Rebuttal Expert Reports Report. The date by which the Parties and any other parties in interest shall simultaneously may exchange rebuttal expert reports, with a date for rebuttal reports (if needed) to be determined by the Parties and any other parties in interest intending to serve such reports. Bankruptcy Rule 7026 shall apply in its entirety to any expert reports exchanged.³if any.</u>	Friday, March 8, <u>Tuesday, April 16,</u> 2024
Plan Objection Deadline <u>Production of Materials Relied Upon in Rebuttal Expert Reports. The date by which objections to any Plan must be filed the Parties and any other parties in interest shall produce copies of any documents or data that were (a) relied on by such party's expert in forming the opinions contained in rebuttal reports and (b) have not already been produced in these cases.</u>	Friday, March 8, <u>Tuesday, April 16,</u> 2024
<u>Expert Depositions. The dates during which the Parties and any other parties in interest shall conduct expert witness depositions.</u>	<u>[Wednesday, April 17 – Tuesday, April 23, 2024]</u>
<u>Exchange of Exhibits. The deadline by which the Parties and any other parties in interest shall exchange exhibits with each other.</u>	<u>Wednesday, April 24, 2024</u>
Exchange of Final Witness and Exhibit Lists. The date by which the Parties and any other parties in interest shall serve a final list of witnesses and exhibits they intend to offer	Friday, March 8 <u>May 10,</u> 2024

³~~Any rebuttal opinions may be offered during Expert Depositions.~~

at the Confirmation Hearing (<u>subject to supplementation from ongoing expert depositions</u>). Witness lists shall identify all witnesses that each party will call and may call at the Confirmation Hearing and shall provide a brief summary of the anticipated testimony of each witness.	
Exchange of Exhibits. The deadline by which the Parties and any other parties in interest shall exchange exhibits with each other.	Friday March 8, 2024, 12 pm CT
Objections to Final Witness and Exhibit Lists. The date by which the Parties and any other parties in interest must serve any objections to the final witness and exhibit lists.	Monday, March 18, <u>Tuesday, May 14, 2024</u>
Expert Depositions. The dates during <u>Replies to Objections / Briefs in Support of Confirmation. The date by which the Parties and any other parties in interest</u> shall conduct expert witness depositions <u>must file their replies to all timely objections to their respective Plans and submit any briefs in support of confirmation of any Plan.</u>	{Tuesday, March 19 <u>Thursday, May 16, 2024</u> —Wednesday, March 20, 2024}
Meet and Confer. The date on which the Parties <u>and any other parties in interest</u> shall meet and confer concerning any objections to witnesses or exhibits.	{Wednesday, March 20 <u>Friday, May 17, 2024 / Thursday, March 21, 2024}</u>
Filing of Final Witness and Exhibit Lists with the Clerk of the Court. The deadline by which the Parties and any other parties in interest shall file final exhibit and witness lists with the Clerk of the Court.	Thursday, March 21, 2024
Final Pretrial Conference. The date on which the Parties and any other parties in interest shall, subject to the Court's availability, participate in a final pretrial conference.	Thursday, March 21, 2024 <u>[To be set week prior to Confirmation Hearing]</u>
Reply to Objections. The date <u>Filing of Final Witness and Exhibit Lists with the Clerk of the Court. The deadline</u> by which the Parties and any other parties in interest must <u>shall</u> file their reply to all timely objections to their respective Plans <u>final exhibit and witness lists with the Clerk of the</u>	Thursday, March 21, 2024 <u>[To be set two days before of commencement of Confirmation Hearing]</u>

<u>Court.</u>	
Confirmation Hearing Dates. The timeframe in which the Parties and any other parties in interest shall complete trial. For the avoidance of doubt, final approval of any disclosure statements filed will be sought during the Confirmation Hearing.	[Monday, March 25] <u>Tuesday, May 21, 2024</u> – Wednesday, March 27 <u>May 22, 2024]</u>

2. **Service.** The Parties and any other parties in interest agree to serve by email on all other Parties and any other parties in interest all discovery requests and written responses. Parties producing electronically stored information shall simultaneously transmit or make available such productions to all Parties that are bound by the *Stipulated Confidentiality Agreement and Protective Order*, dated February 14, 2023 [FSS ECF No. 461; Jones ECF No. 159].

3. **Discovery Disputes.** The Parties and any other parties in interest shall promptly seek Court intervention regarding any disputes that cannot be resolved consensually, which disputes shall be heard by the Court on an expedited basis.

4. **Confirmation Hearing.** The Parties and any other parties in interest will meet and confer on the details of the Confirmation Hearing, including the sequencing and length of witness testimony and the presentation of other evidence.

5. **Amendments or Modifications.** The Court may amend or modify the terms of this Order for good cause shown.

6. **Retention of Jurisdiction.** This Court shall retain jurisdiction over any and all matters arising from or related to the interpretation of this Order.

Dated: [DATE]
Houston, Texas

HONORABLE CHRISTOPHER M. LOPEZ
UNITED STATES BANKRUPTCY JUDGE

Summary report: Litera Compare for Word 11.7.0.54 Document comparison done on 3/1/2024 12:43:32 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: old.docx	
Modified filename: new.docx	
Changes:	
<u>Add</u>	32
Delete	31
Move From	2
<u>Move To</u>	2
<u>Table Insert</u>	6
Table Delete	4
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	77